Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
CLERK

No. 84-6807

In the Supreme Court of the United States

OCTOBER TERM, 1985

MILLIE R. LEE, PETITIONER

v.

THE STATE OF ILLINOIS, RESPONDENT

ON WRIT OF CERTIORARI TO THE APPELLATE COURT
OF ILLINOIS, FIFTH JUDICIAL DISTRICT

JOINT APPENDIX

DAN W. EVERS
Assistant Defender
RANDY E. BLUE *
Deputy Defender
Office of the State
Appellate Defender
Fifth Judicial District
Route 15 East
P.O. Box 2430
Mt. Vernon, Illinois 62864
(618) 244-3466
Counsel for Petitioner

* Counsel of Record

NEIL F. HARTIGAN
Attorney General
State of Illinois
JILL WINE-BANKS
Solicitor General
State of Illinois
MARK L. ROTERT *
Assistant Attorney
100 W. Randolph Street
12th Floor
Chicago, Illinois 60601
Counsel for Respondent

PETITION FOR WRIT OF CERTIORARI FILED MAY 28, 1985
CERTIORARI GRANTED JULY 1, 1985

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

DATE	ITEM
April 16, 1982	Bill of Indictment
September 8, 1982	Judgment and Sentence Order
September 8, 1982	Notice of Appeal
December 7, 1984	Order of the Appellate Court of Illinois, Fifth Judicial District
April 2, 1985	Order of the Illinois Supreme Court denying leave to appeal

STATE OF ILLINOIS
IN THE CIRCUIT COURT
OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

No. 82CF94

THE PEOPLE OF THE STATE OF ILLINOIS

-vs.-

MILLIE R. LEE and EDWIN R. THOMAS, DEFENDANT

BILL OF INDICTMENT

Filed April 16, 1982

The Grand Jury of St. Clair County charges:

COUNT I

That on the 11th day of FEBRUARY, 1982, in said County MALLIE R. LEE and EDWAN R. THOMAS committed the offense of MURDER in that.

THE SAID DEFENDANTS, WITHOUT LAWFUL JUSTIFICATION AND WITH THE INTENT TO KILL MATTIE DARDEN, STABBED MATTIE DARDEN WITH A KNIFE AND HIT MATTIE DARDEN ON OR ABOUT THE HEAD WITH BLUNT INSTRUMENTS AND SET FIRE TO THE BODY OF MATTIE DARDEN, THEREBY CAUSING THE DEATH OF MATTIE DARDEN, in violation of Section 9-1a1 Chapter 38, Illinois Revised Statutes.

COUNT II

That on the 11th day of FEBRUARY, 1982, in said County MILLIE R. LEE and EDWIN R. THOMAS committed the offense of MURDER in that.

THE SAID DEFENDANTS, WITHOUT LAWFUL JUSTIFICATION AND WITH THE INTENT TO KILL ODESSA HARRIS, STABBED ODESSA HARRIS WITH A KNIFE AND SET FIRE TO THE BODY OF ODESSA HARRIS, THEREBY CAUSING THE DEATH OF ODESSA HARRIS, in violation of Section 9-1a1 Chapter 38, Illinois Revised Statutes

A TRUE BILL

/s/ M. G. Biehl
Foreman

Bond: No Bail

WITNESS: DET. BRINKLEY

IN THE CIRCUIT COURT
OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE'S EXHIBIT NO. 22
INTRODUCED INTO EVIDENCE AT TRIAL
STATEMENT BY MILLIE R. LEE ON FEBRUARY 15, 1982

DEPARTMENT OF POLICE
EAST ST. LOUIS, ILLINOIS

STATEMENT

I, Millie Rene Lee, have been advised by Det. S. Muckensturm, East St. Louis, Police Dept., that I have a right to remain silent and that I do not have to make any statement, answer any questions or talk to anyone nor answer questions directed to me; I have further been advised that anything I say or any statement I give can and will be introduced into evidence in Court against me; I have been further advised that if I want an attorney to be present at this time or anytime hereafter that I am entitled to such attorney, and that if I cannot afford to pay for an attorney that an attorney will be furnished to me if I so desire, and that if I do desire an attorney I do not have to make any statement or answer any questions until such time as an attorney has consulted with me.

Having been advised of these rights as above, I hereby voluntarily agree to make a statement, to answer questions asked of me and I waive my right to have an attorney as above set forth. I further state that I have not been threatened or mistreated in any fashion nor have any promises of leniency been made to me in return for making this statement.

/s/ Millie Renee Lee

/s/ Det. Sgt. L. C. Moore #058
Witness

/s/ Det. S. Muckensturm #143
Witness

I am 18 years of age, born 6/2/63 at East St. Louis, Illinois. I am employed as a unemployed by the Social Security. I reside at 33B Roosevelt Homes, East St. Louis, Illinois. Married no Single yes. Home telephone 875-6004, Business telephone Na.

On Wednesday, February 10, 1982 me and my boyfriend Edwin Thomas and my baby were at my aunt's apartment where I have been staying for approx. two years. My aunt's name is Mattie Darden. She actually rents the apartment from the Housing Authority and then I pay her twenty four fifty a month and the telephone bill at the apartment.

While me and my boyfriend were at the apartment my aunt Mattie and Odessa Harris, she also goes by name of Odessa Donahue, she was married to my cousin M.C. Harris. I don't know if they are still married or not, came home to 33B Roosevelt Homes in a cab. My aunt had not been home since the Friday prior to that Wednesday. She had been out on a drinking binge and no one knew where she had been. She usually goes out drinking for a day or so. I knew she was at the Orr Weathers but I didn't know what apartment it was. She had called me on the phone, I don't know what day it was, but she called and told me that she had paid the rent.

Her and Odessa came inside, that was some time around 8:30 or 9:00 p.m. that Wednesday. When they came in Odessa layed down in the bed with her clothes on. She was wearing a white nurses aid uniform and some white shoes. She had taken off her coat, it was a beige trench coat with dark brown fur on the collar. My aunt Mattie got undressed and put on a long gown that had an orange background with blue flowers. She laid down in her bed that was loted in the bedroom.

Me and Edwin, my boyfriend were looking at t.v. I was washing dishes in the kitchen but I was walking back and forth watching t.v. My baby Marcus who is two years old went into the bedroom where Odessa and my

aunt Mattie were. I went to my aunt's bedroom door and told my baby to bring his butt out of there and get on the couch and play with his blocks. He started crying and came on out of the bedroom. After the baby came out of the bedroom I went back into the kitchen and started washing dishes again. Edwin came into the kitchen where I was at. Odessa and my aunt were talking in the bedroom loud enough to hear what they were saying. I heard my aunt say that since I had a boyfriend I didn't want the baby or her around. Me and Edwin had two or three words not really an argument. I think I had raised my voice when me and Edwin were kind of arguing. Odessa came out of the bedroom and came into the kitchen and asked what the hell was going on. She said we ought to be ashamed of ourselves arguing and making all that noise. I told her it was none of her business that she didn't live here and then she said if you like someone kicking your ass then let them. I told her that all those scars on her, it looked like someone had kicked her ass before too. Odessa had scars all over her face. She had a scar on her neck too. Odessa went back into the bedroom where my aunt was at. I called Odessa back into the kitchen and asked her if aunt Beetty, that is what we call my aunt had really paid the rent. Odessa told me that she had paid the rent and then she started talking about the argument between me and Edwin. I told her that the argument was all over. She was mumbling to herself as she was walking out of the room. Edwin was in the livingroom then. Edwin got up off a recliner chair, black in color that was in the livingroom. Odessa was giving him dirty looks. After Odessa gave Edwin a dirty look the last time and she was turning her head and walking back towards the bedroom, Edwin got up off the chair and had a knife in his hand. The knife is usually kept under the couch in the livingroom. We keep it here because a lot of burglaries and break ins happen out at the Roosevelt Homes. Odessa had brought the knife there a long time ago. The knife is

long like a machette with a black handle and a flexible blande. The knife is approx. twenty four inches long. When Edwin got up off the recliner he went over by Odessa and stabbed her in the back. I think he pushed the knife into her underhanded like. Odessa fell on the floor and I think she started calling to my aunt. When Edwin stabbed Odessa and Odessa was calling Aunt Beetty I ran, well, I don't know if I ran or walked into the bedroom. Edwin was standing over by the kitchen cabinet with the knife in his hand with blood on it. Odessa was laying there moaning. When I went into the bedroom my aunt Beetty was sitting on the bed and then she got up and had a knife in her hand. I don't know where the knife came from, my aunt usually kept her gun by her bed. I don't know what kind of gun it is. When my aunt got up off the bed she told me to get out of her way or she would kill me and then she swung at me with the knife. I ran into the kitchen and got a butcher knife that was sitting on the kitchen table and then I went back into the bedroom where my aunt was and then I stabbed her. I kept stabbing her. The first time I stabbed her, I hit her in the chest, I kept stabbing her and I really don't know where else I stabbed her. I had my eyes closed some of the time. My aunt Beetty fell onto the bed and then slid onto the floor. She was still alive. She was moaning and groaning. The knife I used was about a twelve inch butcher knife with a brown wooden handle. Aunt Beetty was still breathing and Edwin came into the bedroom. I told him that she was still breathing and told him to go and get the hammer. I was going to hit her with the hammer and try to knock her unconscious. Edwin came back into the bedroom and told me he couldn't find the hammer. I told him to go and get the skillet. He looked up under the sink in the cabinet for the skillet. He brought the skillet a black cast iron skillet back into the bedroom. I took the skillet from Edwin and hit my aunt Beetty in the head once or twice. The skillet broke. The skillet broke,

it like cracked in three or four places. Edwin said that I wasn't even hitting her hard enough. I think I hit her in the head and had hit the couch it is a black couch that sits in the bedroom too. I told him to go and get another skillet. Edwin went back into the kitchen and got a skillet and came back into the bedroom. The skillet had grease in it. I hit her once with the skillet and grease went everywhere. Edwin took the skillet from me and hit my aunt Beetty in the head too. I don't know how many times because he said I wasn't hitting her hard enough.

Aunt Beetty was barely breathing and Odessa was dead.

We knew we had to get rid of Odessa and my aunt Beetty. I said maybe we could throw them in a vacant lot or something and Edwin said no someone might see us. We decided to put Odessa in a black trunk that was in my aunt's bedroom. Edwin dragged the trunk out of the bedroom and we picked Odessa up and put her in the trunk. There was some clothes and some papers in the trunk. It was a straight lidded black trunk made out of like baseboard. We put like rags and stuff into the trunk from inside the apartment. After we put Odessa and the rags in the trunk we slide the trunk outside and put it in the driveway behind 33B Roosevelt Homes by the trash bend. We went back inside and I asked Edwin what we were going to do with aunt Beetty. He said we could burn her up too like we had planned on burning the trunk with Odessa in it with a bunch of trash. I said that would be too obvious and that we didn't have a trunk or anything to put her in before we burned her up. I told him we could roll her up in some blankets and make it look like a carpet and throw her into some weeds. Edwin picked aunt Beetty up and she was sliding off his shoulders. He had her up over one of his shoulders. He got weak and he dropped her on the floor in the doorway of the bedroom. He told me to get the lawn chair that was sitting in my auntie's bedroom and bring it over to the door so we could put her in it. I took the chair over

to the doorway between the kitchen and the bedroom. I set the chair up, I broke the chair first and then he picked aunt Beetty up and put her in the chair. I went outside and got a clothesline that was hanging up in our yard and came inside and tied aunt Beetty in the lawn chair. Edwin helped me put a loop in the rope but he couldn't tie it tight enough to make the knot stay so I tied it. We had wrapped my aunt in a green blanket and two gold blankets before we tied her in the chair. We looked outside to see if anyone was coming and then we, me and Edwin carried my aunt Beetty to a vacant apartment in the 35 building where she was found. Edwin told me to go to the store and get some lighter fluid. I went over to Bunkum liquor store across the street from the Roosevelt Homes and brought some lighter fluid. I gave Edwin the lighter fluid. When we took my aunt to the vacant apartment we put her inside the closet where there used to be a livingroom. I went back to the liquor store and bought some hefty trash bags, the bags were green and then me and Edwin went back to 33B Roosevelt Homes. We waited for a while and then some time around midnight we went outside and Edwin opened the trunk that Odessa was in and poured lighter fluid into the trunk and used a cigarette lighter to lite the fire. We made sure the fire was lit and then we went into the house. I went inside before Edwin did, into my apartment at 33B. After we set the trunk on fire we gathered all my auntie's clothes and her personal belongings and put them into the plastic bags I had bought. We put Odessa's coat and the skillets into the bags too. We cleaned up the apartment. Me and Edwin got down on our knees and used towels and rags to mop up the blood in the hallway, the bedroom and the kitchen. We used a big old pot for a bucket. It is still at the apartment but the same water in it is not the water we used. We cleaned down the walls in the hallway and the kitchen and then we put all the rags and towels that we used in the trash bags. After we cleaned up the apartment, we went to bed. I couldn't sleep.

The next day that was Thursday, we got up early and then we cleaned up the bedroom. We removed all my aunt's things from the bedroom that day and scrubbed the bedroom floor with sos pads. We put all aunt Beetty's thing in some more of the bags. We threw some of the trash bags out in the ditches on Bunkum road some were thrown in the ditch by the 33 building and then some were thrown in the ditch in the rear of the 33 building by the driveway behind the building. After we threw out some of the trash bags with all the stuff in them, we checked on the trunk. The whole trunk had burned but the upper part of Odessa's body and part of her legs had not burned. We, me and Edwin put on glove regular knit winter gloves, a black pair and a light colored pair and picked up Odessa's body and put it into a brown cardboard box. It was a stereo box from a stereo that we had bought about a week before that. The box was still at the house. Then we set the box out by the trash. We put trash in the box and put trash on top of the box to make it look like trash.

The next day Friday night some time around ten o'clock we started moving furniture out of the apartment. I wasn't strong enough to pick up the furniture so Edwin got his friend Adam Jeffries, I think that is his last name to help him move the furniture. We told Adam that we were moving some of the old furniture out of the apartment. Edwin and Adam moved out the furniture. There was an orange chair, a brown flowered couch and a brown flowered chair the springs and mattress and the trash bags with Odessa and my aunt's clothes in them. The orange chair came out of my auntie's bedroom and so did the spring and mattress. The flowered chair and couch came out of the livingroom. The furniture and the trash bags with the clothes and things were thrown into the same dutches that some of the other bags were thrown into.

Edwin gave me the knives and told me to wash them. I put them into the sink and washed off the blood and

then we put the knives on top of the kitchen cabinets where they are now.

On Saturday we painted the livingroom and threw away old books, maybe just a couple of old books and some trash. Around nine something we got done painting. Edwin said they were having a dance over at the twenty eight building and that no I told him that they were having a dance and asked him if we could go to the dance and he said no that we knew what we had to do. He was talking about burning up my aunt Beetty that was still wrapped up in the closet in the vacant apartment of the 35 building.

We cleaned up the livingroom floor, the paint off the floor with terpentine and Fantasy Island was on t.v. so that had to be some time around ten p.m. After we cleaned the paint off the floor he left our apartment and said he was going to walk around and see if anyone was looking. He said he was going to go over to the vacant apartment where aunt Beetty was and burn her up. Edwin took the rest of the lighter fluid from my apartment that I had bought from the liquor store and left the apartment.

About a half an hour later he came back to my house and said he had set aunt Beetty on fire and that when he walked back by that someone was over in side the vacant apartment. He said he thought that someone had called the police and the fire department. We got on our coats and left my apartment and went over to Edwin's mother's house. Edwin's sister Ida Thomas and her boyfriend Calvin Williams were at my apartment in the bedroom watching television when me and Edwin left the house. They were there when we were cleaning up the paint but they didn't know anything about what had happened or where Edwin was going when he left to go set the fire.

The knives and I think there is one pair of the gloves that we used to pick up Odessa are still at the house at 33B Roosevelt. I think Edwin took the black gloves with him. All the other things should be in the ditches. I

didn't see any trash around the homes, I think they must have picked up the trash on Sunday, I didn't notice the box or any trash outside. There are still some bags with clothing and things in them inside of the apartment we were going to throw them away today. We didn't work on the apartment Sunday at all we went down to Edwin's other's house at 450 Roosevelt Homes.

I don't know anything about Odessa's purse, I thought it had been burned up with some of the other things.

There is something else after I stabbed my aunt Beetty she kept talking so I took a piece of a white blouse that I had torn and put it around her her mouth like a gag.

Me, and Edwin had talked about stoping aunt Mattie from harassing me before. She would come in drunk or would get on the phone and tell people that I never did anything for her that I wouldn't give her anything to eat, or anything since I had a boyfriend. I was concerned, about my auntie, she was sick and she would go to the hospital, I would take her and go and visit her and take care of all of her business. In January she went to the hospital she told me she had pneumonia and that they wanted to run a light down into her lungs to see what was wrong with her but she wouldn't let them do the test. They wanted me at the hospital to sign some forms to have it done but she wouldn't let me sign the papers. I was always doing everything for her. Edwin used to get mad when my aunt would talk about me and that he couldn't take much more of what my auntie was doing, that when he began talking about doing something to aunt Beetty but he never said what. Odessa was always jumping up in my face and one time about a month ago me and Odessa got into an argument about my dress that I let Odessa use and Edwin seen her get in my face that time. He, Edwin just couldn't stand to see my auntie or Odessa harass me anymore. Things just kept adding up and adding up and the night that we killed Odessa and my aunt Beetty Edwin just couldn't take anymore.

There is one other thing I told you that when I stabbed my aunt that I remember stabbing her in the chest but I could have stabbed her in the back too because I had my eyes closed like I told you. I didn't stab or hit Odessa at all, only Edwin did that, but Edwin did hit aunt Beetty with the skillet he didn't stab her. I was the only one that stabbed her. I stabbed her with my left hand, I'm left handed.

Another thing when Odessa fell on th floor after Edwin stabbed her she must have fallen against my bicycle, it is a blue ten speed twenty six inch bike, the brandname is Protour that was sitting in the hallway because there was blood all over it. I tried to wipe the blood off of it that night. I got as much of the blood off as I could.

This is all that I know and what I told you is the truth as best I can remember.

/s/ Millie R. Lee

Time Completed: 12:00 P.M.

/s/ Det. Sgt. L.C. Moore #058
Witness

/s/ Det. S. Muckensturm #143
Witness

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE'S EXHIBIT NO. 40
INTRODUCED INTO EVIDENCE AT TRIAL
STATEMENT BY MILLIE R. LEE ON FEBRUARY 17, 1982

DEPARTMENT OF POLICE
EAST ST. LOUIS, ILLINOIS

STATEMENT

I, Millie Renee Lee, have been advised by Det. L. Stewart an East St. Louis Police Officer that I have a right to remain silent and that I do not have to make any statement, answer any questions or talk to anyone nor answer any question directed to me; I have further been advised that anything I say or any statement I give can and will be introduced into evidence in Court against me; I have been further advised that if I want an attorney to be present at this time or anytime thereafter, I am entitled to such attorney, and that if I cannot afford to pay for an attorney that an attorney will be furnished to me if I so desire, and that if I do desire an attorney I do not have to make any statement or answer any questions until such time as an attorney has consulted with me.

Having been advised of these rights as above, I hereby voluntarily agree to make a statement, to answer questions asked of me and I waive my right to have an attorney as above set forth. I further state that I have not been threatened or mistreated in any fashion nor have any promises of leniency been made to me in return for making this statement.

/s/ Millie R. Lee

/s/ Det. L. Stewart
Witness

I am 18 years of age, born June 02, 1963 at East St. Louis, Ill. I am employed as a Unemployed by the N/A Student State Community College, ESL, Il. I reside at 33 B Roosevelt Hm Apts. or Apt. 506 E-2 Bldg. Orr-Weather Apts., ESL, Il. Married No Single Yes Home telephone 875-6004 Mother's Business telephone 271-0393

In regard to the statement that I gave Det. Sandra Muckensturn on Mon. Feb. 15, 1982 at approximately 8:00 PM, I told her that the incident involving Odessa Harris and Mattie Darden in which they were killed occurred on Wed., Feb. 10, 1982. However, upon your re-interviewing me, I recall that it couldn't have happened on Wed. Feb. 10, 1982 like I said, because, I watched the Television show "Dynasty" and after it went off nothing occurred. Therefore, it had to have happened on Thur., Feb. 11, 1982 at approximately 10:00 or 10:30 PM between those hours.

I also recall purchasing the Charcoal lighter fluid on Thur., Feb. 11, 1982 at approximately 11:00 PM. After purchasing the Lighter Fluid, I went back to the same store, which was the Bunkum Rd. Liquor Store and purchased a box of Hefty Trash Bags. They were dark green in color.

The above statement has been given to Det. L. Stewart without my being threatened or promised in anything in return for giving it. I have read the above statement and find it to be true as I gave it to him. End of Statement.

/s/ Det. L. Stewart
Witness

/s/ Millie R. Lee

Time Completed: 1:40 PM.

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE'S EXHIBIT NO. 24
INTRODUCED INTO EVIDENCE AT TRIAL
STATEMENT BY EDWIN R. THOMAS ON
FEBRUARY 16, 1982

DEPARTMENT OF POLICE
EAST ST. LOUIS, ILLINOIS

STATEMENT

I, Edwin Renordo Thomas, have been advised by Det. Sgt. L.C. Moore East St. Louis P.D. that I have a right to remain silent and that I do not have to make any statement, answer any questions or talk to anyone nor answer any question directed to me; I have further been advised that anything I say or any statement I give can and will be introduced into evidence in Court against me; I have been further advised that if I want an attorney to be present at this time or anytime hereafter, I am entitled to such attorney, and that if I cannot afford to pay for an attorney that an attorney will be furnished to me if I so desire, and that if I do desire an attorney I do not have to make any statement or answer any questions until such time as an attorney has consulted with me.

Having been advised of these rights as above, I hereby voluntarily agree to make a statement, to answer questions asked of me and I waive my right to have an attorney as above set forth. I further state that I have not been threatened or mistreated in any fashion nor have any promises of leniency been made to me in return for making this statement.

/s/ Edwin R. Thomas

/s/ Det. Sgt. L.C. Moore
Witness

/s/ Det. S. Muckensturm #143
Witness

I am 19 years of age, born Oct. 25, 1962 at St. Louis, Mo. I am employed as a N/A by the ————————. I reside at 45-C Roosevelt Hms East St. Louis, Illinois. Married no Single yes. Home telephone 271-4925 Business telephone ————————

On Wednesday, 02/10/82 approximately between 7pm-8pm I was at 33-B Roosevelt Hms. this is where my girl friend, Millie "Renee" Lee, (18) her Aunt, Mattie Darden, and Marcus Montez Lee, her baby son live at.

This is about the time, Aunt Beedie came home with Odessa and Renee had asked Odessa how did they get home? and Odessa told her in a cab. I was sitting in the living room watching television, and Renee was also. I don't remember what we were watching. Odessa and Aunt Beedie went into Aunt Beedie's room. I stayed there for a short while, then I left and went to my Mother's house, 45-C Roosevelt Hms. I went home, because my Mother had called me earlier, so she could look at my jaw, because I had a infected tooth. Approximately fifteen minutes later, I returned back at Renee's house, and we got into a arguement. because I had gone to my Mother's house. We always would have arguements about visiting our parents. because my Mother lived close, and Renee's Mother lived in the Orr-Weathers Apt. She would get mad because I would would not let her go, after it got late.

During the course of our arguement, Odessa heard us because Renee was getting loud, and Odessa Came into the kitchen where we were, and asked, "what's the hell going on?" this is when Odessa and "Renee" began to exchange words with one another. After a short while, Odessa returned back to Aunt Beedie's room, this is when I told Renee "every time they get drunk, they start calling Renee names." This is when I asked Renee, "did she still want to go through with it?" I was refering to what we had plained before about killing Aunt Beedie. We had talked about doing something to Aunt Beedie, but we had not figure out just what we would do. We had

never before discussed doing anything to Odessa just Aunt Beedie, because we were tired of Aunt Beedie getting drunk, and coming home and "going-off" on Renee. I mean cursing, calling "Bitches" "whores," and on one occasion I heard her tell Renee, "I will kill you". Aunt Beedie would get mad because we use to keep the baby on the pot, I was trying to train him to use the pot, because he usually wet the bed every morning, if we did not get him up in time. While Odessa was back in the room with Aunt Beedie. After asking Renee, "did she still want to do it?" Renee first gave me a funny look, as though she was not going to do it, she stared into space for awhile, then she looked at me and said, "yes".

We decided that if we did something to Aunt Beedie, we had to do somthing with Odessa. We wanted Odessa to leave, but she stayed there. We had plained that Renee was suppose to get Odessa to stand, with her back toward the front room, looking into the kitchen, while I would grab her from the back, using the big knife, stabing her in back, because Odessa was strong. Renee had told be before how strong Odessa was, and that she had killed someone before. I had got the knife from out of the kitchen, from out of a bucket, where all the spoons, knives, and forks are kept on top of the sink.

I took the knife into the front room, and sit on the arm of recliner chair, placing the knife in the seat of the chair. Renee was on her way to get Odessa by this time, from Aunt Beedie's room. I also remember askig Renee prior to her going to get Odessa, "was she scared?" and she said "yes", but I going to do. I dont remember if Aunt Beedie's bedroom door was open or shut, because I was seated on the arm of the recliner chair, and from this angle I was not able to see Aunt Beedie's door, because her room is located on the South/East corner of the apartment. We had waited a long time for Odessa to leave, but she never left, so this is when we knew that we had to "do it". I remember hearing Renee calling Odessa, saying, "come here, I've got something to

ask you". Renee backed up in the hall-way into the kitchen, I heard Odessa before I seen her. This is when I seen Odessa going into the kitchen, there were some curtains up to the kitchen entrance, (no door) I open the curtains to see if her back was toward me. When I seen her back turned, I reached into the chair for knife. When I entered between the curtains, I saw Odessa had turned her head around, and saw me coming. She turned around and grabbed me. I had the knife in my right hand. Odessa grabbed both of my wrists. I then placed my left foot behind her left leg, and fliped her to the kitchen floor. The kitchen table had got knocked over by this time, while she was laying on her back on the floor, I got down on on-top of her and put my right knee on her left arm forcing her to release my right wrist. I stabbed her once, with the big knife, and she started calling for Renee's Aunt. She was calling, "Aunt Beedie, "Aunt Beedie" I remember stabbing her in the left side of her chest area. I dropped the big knife and grabbed the little knife which was at this time, fallen to the floor when the table turned over, I then stabbed her again, but a little lower than the first wound. I stabbed her again in the chest, a total of three times. once with the big knife, and twice with the little knife. during the times I was stabbing her which I had the knife in my right hand I recall hearing her saying. "The Lord Ain't going to to let me die". I also recall she started to talking when I got when I got the second knife, and I got scared because the way she said. "the Lord ain't going to let me die". she was shaking her head back and forth while she said it. I also remember that the reason I got the little (second knife) was because the big knife. it had bent, the big knife had a small amount of blood on blade, there was no blood on neither handle. I told Renee that she had to keep her Aunt Beedie quiet, because the neighbors might hear her, I had gotten off top her Aunt and started toward Her Aunt's room. I handed Renee the little knife. I never seen Renee stab

her Aunt with the /any knife. While still standing there in the kitchen Renee asked me for hammer, I told her that I didn't know where the hammer was, Renee told me to look inside the cabinet and get a old skillet, I recall going into the room, handing her the old rusty skillet, I think Renee hit her Aunt twice with the skillet and the old skillet broke into several pieces. I walked back into the kitchen and got another skillet, which I took from off the stove which had some greese inside it. I handed it to Renee, and she hit her Aunt One time. and the second time Renee missed and hit the couch, Renee handed the skillet to me, after I told Renee that she was not hitting her Aunt hard enough. At this time I hit at Aunt Beedie, I had the skillet my right hand. Im not sure if I struck her or not, because Aunt Beedie was laying on the floor on her left side, with her back against the couch, and her lower part against the bed. The head of the bed, and the back of the couch is against the South wall, the bed being positioned against the East wall, making the bed and cough shaped "L". Due to the position she was laying, made it very difficult to hit her. I dont recall how many time I struck her. The greese that was in the skillet, had spilled mostly on the right side of the couch. I later recalled going to the hall bathroom, where I washed the blood off both of my arms. Also I forgot to mention that Renee and I had put on gloves before the killings took place. I remember telling Renee to put her gloves on, we had gloves on during the entire thing. I had on a pair of black, regular kind like scarffs are made out of, and Renee had on a pair of beige glove, same kind of material. We later went into the front room and decided what we were going to do with both bodies. We both looked through the house to see what we could find that was big enough to put both bodies in, the only thing that we could find big was a trunk, a black trunk, square top with old clothes and paper inside of it. this was inside Aunt Beedie's room. Renee's idea was to wrap Aunt Beedie in the two gold

blankets and the one reeen blanket that were on the bed, that she had gotten blood on, then dump her her on the other side of the Roosevelt homes where all that garbage was. I told her, "no", because someone would find her. We first put Odessa inside the trunk, and put on old matress cover on top of her we took off the clothes that we had on, I didn't have any blood on me except the old blue jeans that I played football in, I took off the blue jeans and put on another pair black pants, these are the same pants that I have on now. I also washed these rubber boots that I have on now, there was not that much on them, except for the blood stuck in the cracks under the bottom. I check my shirt for blood, but there was none on it. Renee had blood on her jeans, I told her. there was blood all over the floor, in the kitchen, and blood in one spot in Aunt Beedie's bedroom around the couch. I for got I took the gloves off to get the blood off my arms. then I put the gloves back on. I decided to burn the bodies, so I sent Renee to the Bunkum Liquor store for some trash bags, She said she would get somthing that would burn, I asked her, what? she said lighter fluid, I said "ok", but hurry back. while she was gone, I was standing in the front room waiting for her to come back. I was scared, because somebody usually would come knock on the door, looking for Renee, some of her friends. I forgot to mention Aunt Beedie usually kept the television up loud, because she was hard hearing. I turned the television down before Renee left. I dont think anyone in the apartments on each side of us heard anything because the lady in apartment # 33-A usually call when Me and Renee are arg eing loud, and ask, "what going on over there?" and she had not called. I guess it was about 11:00 p.m. or close to 12:00 a.m. because the liquor store was about to close. usually when it time to close they turn the outside lights off, and I remember looking out side seeing the outside lights off. Also the clock in Aunt Beedie's room a clock and radio combined, never kept the right

time. I forgot to mention that we had carried the wood trunk into the kitchen, and loaded Odessa, before Renee left It didn't take Renee long to go to the store. After she got back we turned off the light in the kitchen, and slid the trunk out side the back door. I don't remember the name of it, the lighter fluid, but it was a new can. After we got the trunk outside, we slid the trunk to the trash can, it was close to the door. We both went back inside, Renee stayed inside, I got the lighter fluid off the sink and went back outside, open up the trunk, sprinkle lighter fluid inside the trunk only, because if I had put any out side it would have been a big blaze, and some one might have seen it. I lit the mattresscover, which we had used to cover her up in, then I closed the top of the wood trunk. I wentside and asked Renee what were we going to do with her Aunt's body, she finally suggested we take her to the empty apartment, the one that is off the right of her rear door, I dont know the apartment number. We had been looking out side the rear door window, and at times I would come outside and look around to see if any one was looking. Later Aunt Beedie was wrapped in the three blankets, and at one time I tried to carry her out on my shoulder, but she was too heavy, and I dropped her back on the bed, where we had picked her up and laid her off the floor, before wrapping her up in the blankets.

I look around and saw a long aluminum lawn chair in her Aunt's closet, and told Renee that we could slide her out,

Renee said, "if we put her in ther right we could carry her out".

After we had put her in the chair Renee tied her down with some cloth line ropes that she had went outside and cut down.

Renee looked out the back door to see if anyone was looking or looking out the windows, then I went outside and looked, after not seeing anyone, we carried her to the vacant apartment. As we were carrying her, Renee

walked over into the deep snow, and I fell into the snow. Part of Aunt Beedie body slipped out of the chair, so I told Renee to "hold up" I was tired from walking in the deep snow. I took several breaths, and then we picked her back up and started again. by the time we got to the rear door, we fell again, Renee was up front and I was carrying the rear. Renee fell in front of the door, and I fell outside the door. We slid the chair inside the apartment which was not boarded up. The light from the street was shining into the apartment, because there were no windows boarded up. and we were able to see where we were going. We took the chair into the front room and put it inside the closet, and tried to close the closet door, but it would not close. We close as far as we could then we left out. When we got back to the apartment I noticed that the fire had gone out, we went inside and picked up the table, and then cleaned up the apartment, by scrubbing the floors with SOS pads then moped them. after cleaning up the apartment. I forgot, we changed our clothes after we had gotten rid of both bodies, and clean up the apartment. We put our pants inside the trunk and then put some bags filled with trash on top of the trunk, put more lighter fluid on them and I lit the fire again. I continued through-out the night watching the fire burn. Early thursday morning, I went outside and put the remains of the body inside a brown cardboard box, which we gotten a stereo set in, and filled it up with more trash from inside the house and left it there for the trash haulers. Later Saturday night, on February 13, 1982 I acting alone, approximately 10:00pm or 10:30pm went to the vacant apartment, with a can of lighter fluid, where I sprayed the body of Aunt Beedie's and lit her on fire. I later went to my Mother's apartment, 45-C Roosevelt Hms. to have a excuse where I had been in case anyone inquired at to where I was.

I have given this statement, which consist of 11 pages, which I have been allowed to read for corrections, which after I find to be true to the best of my knowledge.

Note . . . We both put the remains of the body inside the cardboard box. E.R.T.

End Of Statement.....

/s/ Edwin R. Thomas

Time Completed: 8:00 AM.

/s/ Det Sgt LC Moore #058
Witness

/s/ Det S. Muchensturm #143
Witness

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

FINDING OF THE HONORABLE JOHN J. HOBAN

[R.237] THE COURT: I followed this case very closely, since its inception here in court yesterday. I have taken voluminous notes, which is unusual for me, as to the testimony of the various witnesses. I have reviewed those notes last night, again today. I reviewed the confession of both of them. I feel first that the confessions were voluntary, voluntarily given, and that they were corroborated by other evidence which led the police to make findings which substantiated the accuracy of the confessions and the authenticity of the counts set forth [R.238] therein. As to the contention of the defendant, particularly the defendant Lee as stated by her attorney, that Voluntary Manslaughter which is resulted from a sudden and intense passion, that is disputed by the statement of her co-defendant, who stated that he asked Miss Lee do you want to go through with it. A previously conceived plan to dispose of Miss Darden. And after some thinking, as stated by Mr. Hudlin, she responded that she did. There is no showing that they acted under a sudden and intense passion, in fact prior to the stabbing, according to his own confession, the defendant took a knife, took it back to the chair where he kept it, and awaited the arrival of Miss Harris into the kitchen, in fact had his co-defendant call her so she could come out. Now that isn't a sudden and intense passion. There was no self-defense that even entered into a struggle between the defendant Lee and her aunt in the bedroom. She went in there, she expected the aunt to have a gun, the aunt didn't. She had a knife, however. And she stabbed her, then they both acted together. The both acted in the

disposition of the bodies. They both acted in the covering up of evidence that a crime had been committed, and both of them acted apparently without any compassion at all for their two victims. They beat them, stabbed them, burned them, and treated them, human beings, with no more than, their body, with their mortal [R.239] remains, then they would respect for the trash that was permitted to gather behind the Gompers or behind the apartment complex wherein the crime took place.

I feel that the State has proved beyond a reasonable doubt that the defendants Renee Lee, and her co-defendant Thomas were both guilty of the crime of Murder of Odessa Harris, and I find that they were guilty of the crime of Murder of Mattie Darden.

I've been a severe critic of the East St. Louis Police on many occasions. I think on this instance they did a very good job, a remarkable job of work. They're to be commended for it. The State is to be commended for putting together this maze of scientific evidence which resulted in Dr. Murphy's testimony that he revolved the fragment of bond under x-ray machines until it matched perfectly, and he could say 99 per cent, he wouldn't say 100 per cent, 99 per cent sure that it was from the body of Odessa Harris. I think that's quite striking, and I think that's the way cases should be investigated and presented. And I commend Mr. Hudlin for his presentation of the case, and the defendants for what they had to work with. The Court finds both defendants guilty of both Murders. I don't think there was a bond set in either case. If there was a bond set, both bonds are revoked. Court stands in recess.

COURT ADJOURNED:

STATE OF ILLINOIS
IN THE CIRCUIT COURT
OF THE 20TH JUDICIAL CIRCUIT
ST. CLAIR COUNTY

MITTIMUS FOR STATE PENAL INSTITUTIONS

PLEAS before said Circuit Court held in the city of Belleville, Illinois on September 7, 1982.

Present: HONORABLE JOHN J. HOBAN, Judge of the Circuit Court; JOHN BARICEVIC, State's Attorney; RAY HERR, Sheriff.

Attest: C. Barney Metz
(Clerk of the Circuit Court)

BE IT REMEMBERED that on said date the following, among other proceedings, were had and entered of record in said Court:

No. 82-CF-94

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

MILLIE LEE, DEFENDANT

JUDGMENT AND SENTENCE

Now come THE PEOPLE OF THE STATE OF ILLINOIS, by Mr. Richard Hudlin, Asst. State's Attorney of St. Clair County, and the defendant, in person and by counsel, Ms. Ann Hatch, Asst. Public Defender, and now

neither the defendant nor defendant's counsel saying anything further why the judgment of the court should not now be pronounced against said defendant on the finding of guilty heretofore entered to the charge of Murder (2 counts) as charged in the complaint or indictment returned in this cause on April 16, 1982;

Therefore, it is ordered and adjudged by the court that said defendant is guilty of the crime of Murder (2 counts) as charged in the indictment or complaint herein.

The court finds the age of said defendant to be —— years.

The court having offered to hear evidence in aggravation and mitigation of the offense as to the moral character, life, family, occupation, and criminal record of defendant, and the presentation of evidence having been heard by the court ——————————————
the defendant having nothing further to say, the court hereby sentences said defendant to imprisonment in a penitentiary and fixes the term of imprisonment at Count I—Natural Life, Count II—forty (40) years—sentences to run concurrently.

It is further ordered and adjudged that the defendant be taken from the bar of this court to the common jail of said county, and from there be taken by the sheriff of said county to the Department of Corrections and be delivered to the Department of Corrections, and said Department of Corrections is hereby commanded to confine the defendant for the term above fixed, or until discharged by due process of law.

It is further ordered that said defendant pay the costs of these proceedings and that a mittimus be issued and executed without delay.

Dated September 8, 1982

ENTER:

/s/ John J. Hoban
(Judge)

STATE OF ILLINOIS,)
) ss.
ST. CLAIR COUNTY,)

The undersigned Clerk of the Circuit Court of the above named Court does hereby certify the above to be a true and complete copy of an order entered of record in said Court in the case of THE PEOPLE OF THE STATE OF ILLINOIS versus MILLIE LEE 82-CF-94

Signed and sealed before me
September 8, 1982.

C. Barney Metz By: /s/ Sheri Rayfield
(Clerk of the Circuit Court)

(Official Seal Affixed)

To the Sheriff of St. Clair County to Execute

IN THE APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

No. 5-82-539

PEOPLE OF THE STATE OF ILLINOIS, PLAINTIFF-APPELLEE

vs.

MILLIE R. LEE, DEFENDANT-APPELLANT

Appeal from the Circuit Court
of St. Clair County

Honorable John J. Hoban,
Judge Presiding

WELCH, J.,

ORDER

Filed December 7, 1984

Defendant, Millie R. Lee, was indicted on two counts of murder (Ill.Rev.Stat. 1981, ch. 38, par. 9-1(a)(1).) Following a bench trial in the circuit court of St. Clair County, she was found guilty as charged. Defendant was sentenced to a term of 40 years imprisonment for the murder of Odessa Harris and a term of natural life imprisonment for the murder of Mattie Darden. Defendant appeals. We affirm.

The pertinent facts as stated in defendant Lee's and codefendant Thomas' confessions are as follows:

On February 11, 1982, the defendant and her boyfriend, codefendant Edwin R. Thomas, were at the apartment she shared with her aunt, Mattie Darden. Darden returned to the apartment with Odessa Harris. Harris and Darden went into the bedroom. Later, the defendant

and codefendant became involved in an argument in the kitchen, and Harris came into the kitchen to see what was going on. The defendant and Harris became involved in a verbal argument, and Harris returned to the bedroom. The defendant then called Harris out of Darden's bedroom, ostensibly for the purpose of asking Harris if Darden had paid the rent. As Harris was walking back through the living room, codefendant Thomas stabbed her. Harris began to call to Darden. The defendant then ran into the bedroom and found Darden armed with a knife. Defendant went to the kitchen, where she obtained a butcher knife, and then returned to the bedroom, where she stabbed Darden numerous times. Defendant then asked codefendant Thomas for a hammer to knock Darden unconscious. Codefendant Thomas returned with a cast iron skillet, which defendant used to strike Darden on the head. The skillet broke, so the defendant sent codefendant Thomas back into the kitchen for another skillet. After he returned with it, she again hit Darden on the head. When told by codefendant Thomas that she was not hitting Darden hard enough to do any damage, the defendant allowed codefendant Thomas to take over, and he struck Darden a couple more times on the head with the skillet. They then put Harris' body in a trunk and put the trunk near the trash in an alley behind the apartment. They wrapped Darden's body in a couple of blankets, carried it to a nearby vacant apartment, and placed the body in the closet in the living room. The defendant then went to Bunkum Road Liquor Store and purchased a can of lighter fluid. At approximately midnight, codefendant Thomas poured lighter fluid on the body of Odessa Harris and set it on fire. They then began cleaning up the apartment.

The next day they checked the trunk and discovered that the upper part of Harris' body had not burned. They then placed her remains in a cardboard stereo box that they set out with the trash.

On Saturday, February 13, 1982, codefendant Thomas went back to the vacant apartment with the can of lighter

fluid to burn Darden's body. Codefendant Thomas returned to the defendant's apartment and told the defendant he had set the body on fire.

A neighbor, Lily Williams, was informed at about 11:30 p.m., February 13, 1982, that there was a fire in a vacant apartment next door. She went next door and put the fire out while one of her sons contacted the fire department. Captain Lavester Heavens of the fire department arrived and, while investigating the fire, found the body. He then called the East St. Louis Police Department.

Detective Brinkley stated that further investigation led the police to the defendant's apartment. On February 15, 1982, the defendant was questioned there by members of the East St. Louis Police Department, and she agreed to accompany them to the police station to try to identify the body. At the police station, the defendant started crying and was given her Miranda rights. The defendant then gave a detailed account of the murder in an oral statement that clarified the events that occurred on and after February 11, 1982. The oral statement was subsequently reduced to an 11-page typewritten statement that was signed by the defendant on February 15, 1982. On February 17, 1982, the defendant gave another statement, which in essence corrected the date she had given the police in her original statement. On February 16, 1982, codefendant Thomas gave the police a strikingly similar detailed account of the murders in an 11-page typewritten statement.

Before trial, defendant filed a motion to suppress her confession for a variety of reasons, among them that the statement was induced by promises of leniency. This motion did not specify the identity of all the officers involved but named Detective Sgt. L. C. Moore, Detective Carl Brinkley, Detective Ezell, Detective S. Muckensturm, and Detective Walker. The motion was taken with the case and denied.

The first issue is whether the trial court improperly considered codefendant Thomas' confession against the

defendant. In *Bruton v. United States* (1968), 391 U.S. 123, 20 L.Ed.2d 476, 88 S.Ct. 1620, the United States Supreme Court held that admission of a codefendant's extrajudicial statement that inculpates the other defendant violates the defendant's Sixth Amendment right to confront witnesses against him. Defendant argues the *Bruton* rule was violated when the trial judge rejected the contention that voluntary manslaughter resulting from sudden and intense passion occurred here. The following statement was made:

> "THE COURT: As to the contention of the defendant, particularly the defendant Lee as stated by her attorney, that Voluntary Manslaughter which is resulted from a sudden and intense passion, that is disputed by the statement of her co-defendant, who stated that he asked Miss Lee do you want to go through with it. A previously conceived plan to dispose of Miss Darden. And after some thinking, as stated by Mr. Hudlin, she responded that she did. There is no showing that they acted under a sudden and intense passion, in fact prior to stabbing, according to his own confession, the defendant [Thomas] took a knife, took it back to the chair where he kept it, and awaited the arrival of Miss Harris into the kitchen, in fact had his co-defendant [Lee] call her so she could come out. Now that isn't a sudden and intense passion. There was no self-defense that even entered into a struggle between the defendant Lee and her aunt in the bedroom. She went in there, she expected the aunt to have a gun, the aunt didn't. She had a knife, however. And she stabbed her, then they both acted together. They both acted in the covering up of evidence that a crime had been committed, and both of them acted apparently without any compassion at all for their victims.
>
> * * *"

Although the judge did consider codefendant Thomas' confession, it is evident from the record that he considered the defendant's confession as well. Defendant's statement reveals her attack on Darden was not the result of self-defense, for after she had left Darden's bedroom originally there was no need for her to return to the bedroom. Furthermore, defendant alluded to a plan in her own confession, where she stated:

> "LEE: Me, and Edwin [sic] had talked about stopping aunt Mattie from harassing me before. * * *"

It is well settled that a substantial difference exists between the *Bruton* rule and the interlocking confession situation. In the former situation, a jury hears only the codefendant's statement incriminating the defendant who has himself made no admissions whatsoever, whereas in the latter situation, the jury hears a codefendant's statement incriminating the defendant who has himself made similar inculpatory admissions. When the interlocking admissions are inculpatory, the admission of codefendant's incriminating statement against defendant does not fall within the *Bruton* rule. Hence defendant's first argument fails. *People v. Bassett* (1974), 56 Ill.2d 285, 307 N.E.2d 359, 365; *People v. Rosochacki* (1969), 41 Ill.2d 483, 244 N.E.2d 136, 141-42.

The defendant next argues that the State failed to prove that defendant's statements to the police were voluntarily given. Defendant argues that (1) the statements were induced by promises of leniency, and (2) the State failed to present all material witnesses to the taking of the statements, despite defendant's timely demand.

The defendant answered in the affirmative when defense counsel asked if Officer L. C. Moore or Detective Brinkley ever indicated that things would go easier for her if she talked with them. The defendant also indicated that Detective Muckensturm said "it would be best

if I [defendant] got it off my chest." Detectives Moore, Brinkley, Muckensturm and Stewart, and Officer Detloff, each testified that they participated in or were present during the taking of defendant's statements. Detective Muckensturm stated in her testimony that Detective Alva Busch was present during a part of the first statement. During closing argument. defense argued that Detective Busch should also have been presented for questioning.

The finding of the trial court that the statement was voluntary will not be disturbed unless it is contrary to the manifest weight of the evidence. (*People v. Prim* (1972), 53 Ill.2d 62, 70, 289 N.E.2d 601, *cert. denied* (1973), 412 U.S. 918, 37 L.Ed.2d 144, 93 S.Ct. 2731.) Assuming that the trial court believed defendant's testimony regarding the alleged promises of leniency, the statements were not thereby rendered involuntary. A comparison of defendant's testimony with the facts in numerous other cases indicates that even if her testimony were believed, the police conduct therein described did not destroy the voluntary nature of her statements. (*People v. Stevens* (1st Dist. 1981), 98 Ill.App.3d 158, 165-66, 423 N.E.2d 1340, 1346; *People v. McGuire* (1968), 39 Ill.2d 244, 234 N.E.2d 772, 775, *cert. denied* (1968), 393 U.S. 884, 21 L.Ed.2d 160, 89 S.Ct. 193; *People v. Hartgraves* (1964), 31 Ill.2d 375, 202 N.E.2d 33, 36, *cert. denied* (1965), 380 U.S. 961, 14 L.Ed.2d 152, 85 S.Ct. 1104.) Also, case law firmly establishes that mere exhortations to tell the truth or to make a statement do not render inadmissible a subsequent confession. *People v. Wipfler* (1977), 68 Ill.2d 158, 368 N.E.2d 870, 876; *People v. Noe* (3rd Dist. 1980), 86 Ill.App.3d 762, 765, 408 N.E.2d 483, 485.

Accordingly, since no material question of fact was before the court, Detective Busch need not have been presented to confirm or deny the truth of the defendant's contentions, and the court did not err in finding her statements voluntary.

Finally, the defendant requests that the sentence of natural life imprisonment be vacated because the judge did not recognize that a sentence of natural life was not mandatory.

The defendant argues that the judge sentenced her under section 5-8-1(a)(1)(c) of the Unified Code of Corrections (Ill.Rev.Stat. 1981, ch. 38, par. 1005-8-1(a)(1)(c)), which states that

> "if the defendant has previously been convicted of murder under any state or federal law or is found guilty of murdering more than one victim, the court shall sentence the defendant to a term of natural life imprisonment * * *."

In *People v. Taylor* (1983), 115 Ill.App.3d 621, 630, 450 N.E.2d 1256, 1263, *rev'd in part* (1984), 102 Ill.2d 201, 464 N.E.2d 1059, the appellate court held that the word "shall" in section 5-8-1(a)(1)(c) was permissive rather than mandatory. However our supreme court reversed in part the findings of the appellate court in *People v. Taylor*. The court held that a mandatory minimum penalty of natural life does not violate section 11, article I of the Constitution of Illinois of 1970, which provides that "[a]ll penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." (*People v. Taylor* (1984), 102 Ill.2d 201, 464 N.E.2d 1059, 1061.) The court further found that only a statute that unduly infringes on judicial authority violates the separation of powers clause of the Constitution of Illinois (Ill.Const. 1970, art. II, sec. 1) and that the provisions in section 5-8-1-(a)(1)(c) do not unduly infringe upon the judicial power, and are mandatory. *People v. Taylor* (1984), 102 Ill.2d 201, 464 N.E.2d 1059, 1064.

Further, the trial court's comments support the conclusion that the court found the murders exceptionally brutal and heinous under section 5-8-1(a)(1)(b) (Ill. Rev.Stat. 1981, ch. 38, par. 1005-8-1(a)(1)(b)), which also permits a sentence of natural life.

The instant sentence was warranted by the evidence of the offenses. The power to impose sentence is exclusively a function of the judiciary. (*People v. Davis* (1982), 93 Ill.2d 155, 161, 442 N.E.2d 855, 857.) It is a matter of judicial discretion, and absent an abuse of this discretion the sentence of the trial court may not be altered on review. *People v. Perruquet* (1977), 68 Ill.2d 149, 368 N.E.2d 882, 884.

For the foregoing reasons, the judgment of the circuit court of St. Clair County is affirmed.

AFFIRMED.

KARNS and HARRISON, JJ., CONCUR.

ILLINOIS SUPREME COURT
JULEANN HORNYAK, CLERK
Supreme Court Building
Springfield, Ill. 82706
(217) 782-2035

April 2, 1985

State Appellate Defender
Fifth Judicial District
P.O. Box 2430, Route 15 East
Mt. Vernon, IL 62864

No. 61304—People State of Illinois, respondent, v. Millie R. Lee, petitioner. Leave to appeal, Appellate Court, Fifth District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on April 23, 1985.

SUPREME COURT OF THE UNITED STATES

No. 84-6807

MILLIE R. LEE, PETITIONER

v.

ILLINOIS

ON PETITION FOR WRIT OF CERTIORARI TO the Appellate Court of the State of Illinois, Fifth District

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ON CONSIDERATION of the motion for leave to proceed herein *in forma pauperis* and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed *in forma pauperis* be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, granted.

July 1, 1985